

## **REMARKS**

### **Claims**

Claims 6, 7, 9-24, and 47-71 are pending in this patent application. Claims 6, 7, 9-24, and 47-72 are rejected. Claims 6, 47, 55, 60, and 66 are amended. Claim 72 is canceled. No new matter has been added.

### **First Section 103 Rejection**

Claims 6-7, 9-13, 15-19, 22-24, and 47-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (U.S. Patent Application Publication No. 2003/0027639) ("Peterson") in view of Walker et al. (U.S. Patent Application Publication No. 2003/0003988) ("Walker").

Peterson describes a method and a system for playing a game of skill in a networked environment. The system includes a game client 14 that communicates with a master server 701 and receives a list of game servers that are currently available (paragraph 56). The method is described below with reference to Figure 9.

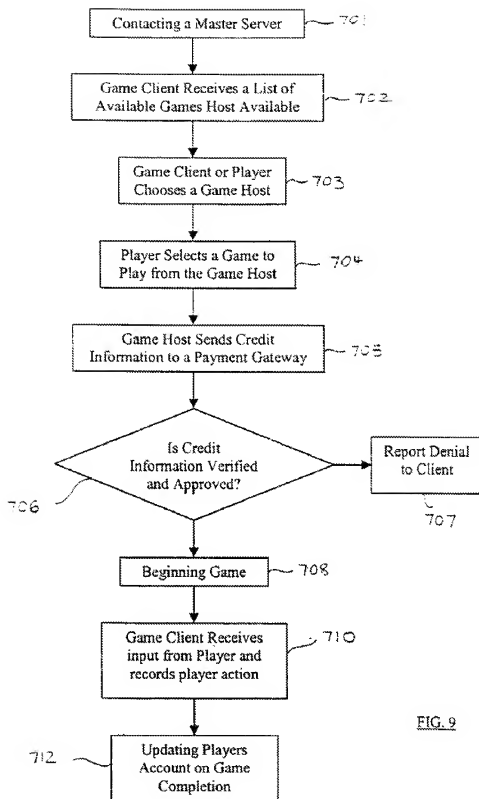


FIG. 9

The server list of Peterson is sorted by at least one of bandwidth and network latency so as to allow a game client to select a game server which is closest to the location of that game client 703. Alternatively, the game server closest to the game client's location is selected automatically. In addition, in other embodiments, the game client may communicate with game servers without interacting with the master server. A game client may interact with various game servers in order to peruse the games listed at those particular game servers and select a game to play 704. (paragraph 56).

Walker describes a system for planning and customizing a gaming experience. In this system, a central controller communicates with multiple user devices, multiple casino servers, and multiple marketer devices. The casino servers, in turn, are in communication with multiple casino devices, including gaming devices. Prior to embarking on a gaming vacation, a user may log onto a Web site hosted by the central controller. On the Web site, the user may prepare for his vacation by inputting a preferred gaming device configuration, choosing a betting system, or selecting a group of friends with which to share winnings. The central controller may associate all the data defining the user's preparations with a preparation code or a user identifier, such as the user's name or a player tracking card number. When the user subsequently visits a casino, the user may submit his user identifier and/or preparation code to any casino device. The device may contact the central controller via the casino server and receive the user's preparation data. The casino device may then modify its operations in accordance with the preparation data. For example, the casino device may execute software for a particular game the user has chosen, or may spin the reels at a speed the user has chosen. (paragraph 31).

Accordingly, as best understood by the Applicants, Peterson describes a game client that selects a game server closest to the location of the game client. Moreover, as best understood by the Applicants, Walker describes casino devices that are in communication with casino servers.

However, Peterson and Walker do not disclose or suggest all the features recited in claim 6. For example, Peterson and Walker do not teach that "said selected casino gaming server determines during the wait state whether said selected casino gaming

server is selected, and whether said selection is received within a predetermined period of time, and if said selection is not received within the predetermined period of time, the connection with said controller is terminated.”

Further, Walker is not relied upon for describing the termination of a connection by a server with a gaming controller if the server is not selected within a predetermined period of time as recited in claim 6. Rather, the Office Action relies upon paragraph 41 of Peterson. Specifically, the Office Action states on page 13 that:

Regarding claim 72: said controller being programmed to send the selection to said selected casino gaming server that determines that the selection is not received and that terminates connection with said controller upon determining that the selection is not received (paragraph [0041]).

Paragraph 41 of Peterson states:

[0041] In the preferred embodiment, a game client 14 is either preferably a computing device such as a personal compute (sic), personal digital assistant (PDA) or even a cell phone with browser capability. The transmission mechanism 26 of the game client 14 includes any communication means known in the art, for example, networking cards, wireless communication devices, communication lines, etc. The transmission mechanism 26 preferably operates using secure TCP/IP or UDP protocols but is not limited to such protocols.

There is no description in this paragraph of the termination of a connection by a server with a gaming controller if the server is not selected within a predetermined period of time. Rather, this paragraph, relates to, among other things, TCP/IP and UDP protocols. These protocols do not describe or suggest the termination of a connection upon determining that the selection is not received within the predetermined period of time as recited in claim 6.

Moreover, obviousness rejections must be supported with articulated reasoning with some rational underpinning to support a conclusion of obviousness. MPEP §2142. The above-noted statement on page 13 of the Office Action does not establish a link between the protocols in Peterson and the termination feature recited in claim 6. Rather, the statement is conclusory. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that claim 6 would not have been obvious in view of Peterson and Walker.

For at least these reasons, the combination of Peterson and Walker also does not describe or suggest the features of the remaining independent claims. For example, the combination of Peterson and Walker does not teach a method for downloading gaming data as recited in claim 47, a method for downloading gaming data as recited in claim 55, a client gaming apparatus as recited in claim 60, or a computer readable medium as recited in claim 66.

Moreover, the various dependent claims are patentable over the art of record for at least the same reasons set forth above with respect to the independent claims. Furthermore, these dependent claims recite additional features that, when considered in the context of the claimed invention, further patentably distinguish over the art of record.

Accordingly, for at least the reasons set forth above, claims 6-7, 9-13, 15-19, 22-24, and 47-72 are patentable over Peterson in view of Walker.

### **Second Section 103 Rejection**

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Walker, and further in view of Grimm et al. (U.S. Patent No. 6,345,297) (“Grimm”).

Claim 14 depends from independent claim 6. As described above, claim 6 is patentable over Peterson in view of Walker. Further, Grimm is not cited to address the deficiencies mentioned above with respect to a combination of Peterson and Walker. Accordingly, none of Peterson, Walker, or Grimm, considered alone or in combination, describe or suggest a gaming apparatus as recited in claim 6. Hence, claim 14, which includes the recitations of claim 6, is patentable over Peterson in view of Walker and Grimm.

### **Third Section 103 Rejection**

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Walker, and further in view of Crumby (U.S. Patent No. 6,638,170).

Claims 20-21 depend from independent claim 6. As described above, claim 6 is patentable over Peterson in view of Walker. Further, Crumby is not cited to address the deficiencies mentioned above with respect to a combination of Peterson and Walker. Accordingly, none of Peterson, Walker, or Crumby, considered alone or in combination, describe or suggest a gaming apparatus as recited in claim 6. Hence, claims 20-21, which include the recitations of claim 6, are patentable over Peterson in view of Walker and Crumby.

### **Conclusion**

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees, including any extension fees, which may be required or credit any overpayment directly to the account of the undersigned, No. 504480 (Order No. IGT1P213/P000657-001).

Respectfully submitted,

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